UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Todd Goldbeck,	Case No. 21-CV-1054 (NEB/KMM)
Petitioner,	
v.	**REPORT AND RECOMMENDATION**
Bryan Birkholz, Warden,	
Respondent.	

This matter is before the Court on Todd Goldbeck's petition for a writ of habeas corpus under 28 U.S.C. § 2241. Pet., ECF No. 1. In the petition, Mr. Goldbeck asserts that the Bureau of Prisons failed to properly compute his sentence because it did not apply 93 days of time credits he earned toward the reduction of his period of incarceration through participation in programming. Because Mr. Goldbeck claimed he was entitled to be released on April 12, 2021, and his release date was fast approaching, the Court ordered expedited briefing from both sides. Ultimately, in his Reply memorandum, Mr. Goldbeck informs the Court that he was released from federal custody on May 5, 2021, based on an order granting his motion for compassionate release. Reply, ECF No. 9; *United States v. Goldbeck*, 3:20-cr-00045-wmc, Doc. No. 53 (W.D. Wis. Apr. 29, 2021). Because Mr. Goldbeck's release has rendered his petition moot, the Court recommends that

Federal courts may only adjudicate actual, ongoing cases or controversies. *Am. United for Separation of Church and State v. Prison Fellowship Ministries*, 509 F.3d 406,

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420–21 (8th Cir. 2007). After a case has begun, if it no longer involves a live case or controversy, then it has become moot and must be dismissed. *Potter v. Norwest Mortgage, Inc.*, 329 F.3d 608, 611 (8th Cir. 2003). A case no longer involves a live case or controversy when an event occurs during the course of the proceedings that prevents the court from granting any meaningful relief to the party who initiated the action. *See, e.g.*, *Gore v. Fondren*, No. 07-cv-4425 (ADM/RLE), 2008 WL 4787652, at *3 (D. Minn. Oct. 31, 2008).

In the habeas context, a petitioner's release from custody generally means that his case becomes moot, "unless he can show that a Writ of Habeas Corpus would still provide him some genuine benefit." *Id.* (citing *Spencer v. Kemna*, 523 U.S. 1, 7 (1998)). A habeas action may not become moot after a petitioner is released if the court could eliminate "some of the collateral consequences that attached to the conviction as a matter of law." *Id.* (internal quotation marks omitted). But this collateral-consequences doctrine does not apply if a petitioner "is not actually challenging the validity of his conviction." *Id.*

Mr. Goldbeck's petition challenges the administration of his sentence by the BOP, not the validity of his underlying conviction. Therefore, this is not a case in which a live case or controversy remains because the Court could eliminate any collateral consequences resulting from his underlying conviction. Mr. Goldbeck's release from prison means that there is no longer any relief that the Court could provide in this case, and this action has become moot.

Based on the foregoing, the Court recommends that Mr. Goldbeck's petition (ECF No. 1) be **DISMISSED AS MOOT**.

Date: May 13, 2021   *s/ Katherine Menendez*
                                                                    Katherine Menendez
                                                                    United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).

Under Advisement Date: This Report and Recommendation will be considered under advisement 14 days from the date of its filing. If timely objections are filed, this Report and Recommendation will be considered under advisement from the earlier of: (1) 14 days after the objections are filed; or (2) from the date a timely response is filed.